IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

TUESDAY, THE 6TH FEBRUARY 2007 / 17TH MAGHA 1928

OP.No. 326 of 2003(L)

PETITIONER:

JINJU, S/O.RAJENDRAPRASAD,
POLAKKULATH HOUSE, KODUNGALLUR TALUK,
LOKAMALESWARAM VILLAGE, THRISSUR DISTRICT.

BY ADV. SRI.T.A.SHAJI
SRI.M.A.ASIF

RESPONDENTS:
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1. DISTRICT COLLECTOR, THRISSUR.

2. THE EXCISE COMMISSIONER,
COMMISSIONER OF EXCISE,
THIRUVANANTHAPURAM.

3. TAHSILDAR, KODUNGALLUR, THRISSUR
DISTRICT.

4. STATE OF KERALA, REPRESENTED BY
THE SECRETARY TO GOVT., TAXES DEPARTMENT,
THIRUVANANTHAPURAM.

BY GOVERNMENT PLEADER – ADV. SMT.SMITHA

THIS ORIGINAL PETITION HAVING BEEN FINALLY HEARD ON 06/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

Original Petition 326/2003

ORDER ON CMP NO. 446/2003 IN Original Petition NO. 326/2003

DISMISSED.

06/02/2007 SD/- (C.N.RAMACHANDRAN NAIR, JUDGE)

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1 COPY OF THE SALE DEED DATED 30/03/1998 EXECUTED BY THE PETITIONER'S FATHER.

EXT.P2 COPY OF THE NOTICE DATED 08/11/2002 ISSUED BY THE 3RD RESPONDENT.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

O.P. No. 326 of 2003 J

Dated, this the 6th day of February, 2007

J U D G M E N T

Petitioner is challenging recovery proceedings initiated against his property, towards recovery of abkari due from petitioner's father. The sale deed was executed by his defaulted father, when petitioner was an adolescent, without any source for the consideration shown in documents. Transaction is patently hit by Sec. 53 of the TP Act, if not, under Sec. 44 of the RR Act too. In the circumstances, this O.P is devoid of any merit and is accordingly dismissed.

(C.N.RAMACHANDRAN NAIR, JUDGE.)

jg